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19 **THE UNITED STATES DISTRICT COURT**
20 **SOUTHERN DISTRICT OF CALIFORNIA**

21 WHITEWATER DRAW NATURAL,
22 RESOURCE CONSERVATION
23 DISTRICT *et al*,

24 Plaintiffs,

25 v.

26 ELAINE DUKE, *et al.*,

27 Defendants.
28

Case No. 3:16-cv-2583

**JOINT MOTION FOR AN
EXTENSION OF TIME FOR
PLAINTIFFS TO AMEND
COMPLAINT UNDER RULE
15(a)(1)(B)**

1 In response to Defendants' Motion to Dismiss Complaint in Part for Lack
2 of Jurisdiction and Failure to State a Claim, filed on October 6, 2017, Plaintiffs
3 have determined that they should amend their Complaint. Parties have conferred
4 and respectfully request a five-week extension, until Dec. 1, 2017, of the deadline
5 under Rule 15(a)(1)(B) for Plaintiffs to amend their Complaint in response to
6 Defendants' Motion. Parties have also agreed, and respectfully request that the
7 Defendants' response to the Plaintiffs' Amended Complaint be due on January 19,
8 2018. In support of this motion, parties state the following:

- 12 1) Plaintiffs first filed their five count Complaint on October 17, 2016,
13 covering 33 immigration related actions taken by Defendants. Defendants
14 asked Plaintiffs for two extensions "given the breadth of the allegations"
15 and another extension, until May 30, 2017, to pursue settlement
16 negotiations.
17
- 19 2) Defendants asked for a stay to file their answer on May 30, 2017, on the
20 basis that actions then being taken by the executive branch would likely
21 affect the claims in the case. The Court granted the Defendants until
22 October 6, 2017, to file their answer.
23
- 25 3) Defendants filed a partial motion to dismiss Plaintiffs' Complaint on
26 October 6, 2017, addressing Counts I and III and most claims in Count II,
27 but not Counts IV and V and some of the claims in Count II. Defendant
28

1 offered numerous legal defenses to Count II, including that eleven of
2 Plaintiffs' claims were moot due to the actions of the executive branch
3 taken since Plaintiffs filed their Complaint. Defendants also allege that
4 some of Plaintiffs challenges are barred by the statute of limitations, not
5 final agency actions, or precluded by statute. See Docket #32,
6 Defendants' Exhibit 1.
7

8
9 4) Plaintiffs believe that amending their Complaint is advisable, especially
10 due to the situation that in the time after the Plaintiffs' complaint was
11 filed and throughout several extensions of time to file an answer, the
12 Department of Homeland Security was adopting numerous discretionary
13 changes in the enforcement and implementation of the nation's
14 immigration laws.
15

16
17 5) Plaintiffs seek a reasonable extension beyond the three weeks given by
18 Rule 15(a)(1)(B) to amend the Complaint, particularly given the
19 necessity of reviewing the large number of actions at issue as well as
20 potentially commissioning updates of Plaintiffs' expert reports.
21 Defendants agree and seek a reasonable extension of the 14 day deadline
22 given to respond to Plaintiffs' Amended Complaint.
23

24
25 6) After conferring, Parties respectfully request that Plaintiffs should have
26 until December 1, 2017 to file their Amended Complaint and Defendants
27
28

1 shall have until January 19, 2018 to respond to Plaintiffs' Amended
2 Complaint.
3

4 Dated: October 13, 2017

5 Respectfully submitted,

6 /s/Julie B. Axelrod

7 Julie B. Axelrod

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Signature Certification

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to S. Derek Shugert, counsel for Defendants, and that I have obtained Mr. Shugert's authorization to affix his electronic signature to this document.

/s/ Julie B. Axelrod
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